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10/767,806	01/29/2004	Deborah Lewandowski Barclay	LUC-464/Barclay 11-61-10-	5566
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CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			AJIBADE AKONAI, OLUMIDE	
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			2686	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/767,806	Applicant(s) BARCLAY ET AL.	
	Examiner Olumide T. Ajibade-Akonai	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10, 11, and 14-22 are rejected under 35 U.S.C. 102(b) as being anticipated by **Reichelt et al (6, 295, 447)**.

Regarding **claim 1**, Reichelt et al discloses an apparatus, comprising: a mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) that allows a user of a mobile communication device (MS 225, see fig. 2, col. 4, line 60) to assign one or more members to a feature group (a subscriber specifies conditions such as one or more calling party numbers CPNs to features such as supplementary services SSs, see col. 3, lines 54-67, col. 4, lines 1-2, 38-43) that is employable by the mobile switching center to provide a communication feature to the user (the MSC can provide features such as call forwarding, call waiting, call barring, and multi-party calling based on the user specified conditions, see col. 4, lines 44-53).

Regarding **claim 2**, as applied to claim 1, Reichelt et al further discloses wherein the feature group comprises a feature group (one or more calling party numbers CPN, see col. 3, line 65) for the communication feature (call waiting, call forwarding, call barring and multi-party calling, see col. 4, lines 44-47), wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) cooperates with the mobile

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communication device (MS 225, see fig. 2, col. 4, line 60) to provide an interface to the user that allows the user to assign the one or more members to the feature group for the communication feature (a subscriber specifies conditions such as one or more calling party numbers CPNs to features such as supplementary services SSs, see col. 3, lines 54-67, col. 4, lines 1-2, 38-43).

Regarding **claim 3**, as applied to claim 2, Reichelt et al further discloses wherein the interface comprises one or more of a voice interface, a dual tone multi frequency (DTMF) interface, a graphical interface, a keypad interface, and a touchpad interface (MSC/VLR 210, see fig. 2, col. 4, line 57).

Regarding **claim 4**, as applied to claim 1, Reichelt further discloses wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) makes a determination that a calling user is one of the one or more members assigned to the feature group (the MSC can provide features such as call forwarding, call waiting, call barring, and multi-party calling based on the user specified conditions, see col. 4, lines 44-53, col. 6, lines 56-63), and wherein the mobile switching center provides the communication feature to the user based on the determination that the calling user is one of the one or more members assigned to the feature group (call forwarding, CF, based on a given set of conditions such as the calling party number CPN, see col. 7, lines 30-46, col. 8, line 61).

Regarding **claim 5**, as applied to claim 4, Reichelt et al further discloses wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) queries a subscriber database (HLR 250 which includes a subscription information 235, see fig. 2, col. 4, line 57) to make the determination that the calling user is one of the one or more

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members assigned to the feature group (MSC/VLR evaluates a logical expression to determine a conditioned feature is specified by the listing of conditions in the HLR, see col. 6, lines 49-67, col. 7, lines 1-7).

Regarding **claim 6**, as applied to claim 1, Reichelt et al further discloses wherein the communication feature comprises a call waiting feature (call waiting, see col. 4, lines 44-47), wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) allows the user of the mobile communication device (MS 225, see fig. 2, col. 4, line 60) to assign the one or more members to the feature group for the call waiting feature (the MSC can provide features such as call waiting, based on the user specified conditions such as a password or calling party number, see col. 4, lines 44-53, col. 10, lines 52-67, col. 11, lines 1-13).

Regarding **claim 7**, as applied to claim 6, Reichelt et al further discloses wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) makes a determination that a calling user is one of the one or more members assigned to the feature group (preferred callers, see col. 11, line 14) for the call waiting feature (see col. 11, lines 14-17).

Regarding **claim 8**, as applied to claim 7, Reichelt et al further discloses wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) employs a calling party number (calling party numbers CPN, see col. 3, line 65) of the calling user to make the determination that the calling user is one of the one or more members assigned to the feature group (preferred callers, see col. 11, line 14) for the call waiting feature (the MSC can provide features such as call waiting, based on the user specified

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conditions such as a password or calling party number, see col. 4, lines 44-53, col. 10, lines 52-67, col. 11, lines 1-13).

Regarding **claim 10**, as applied to claim 7, Reichelt et al further discloses wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) communicates a first indication to the user of the mobile communication device if the calling user is one of the one or more members assigned to the feature group (the MSC can provide features such as call waiting, based on the user specified conditions such as a password or calling party number, see col. 4, lines 44-53, col. 10, lines 52-67, col. 11, lines 1-13), wherein the mobile switching center communicates a second indication to the user of the mobile communication device if the calling user is not one of the one or more members assigned to the feature group (an ongoing call remains uninterrupted, or a is forwarded to a different location if the calling party number CPN fails to match the numbers specified by the user, see col. 8, lines 61-67, col. 9, lines 1-3, col. 11, lines 14-17).

Regarding **claim 11**, as applied to claim 10, Reichelt et al further discloses wherein the mobile switching center (MSC/VLR 210, see fig. 2, col. 4, line 57) cooperates with the mobile communication device to provide (MS 225, see fig. 2, col. 4, line 60) an interface (see fig. 2, a dialogue between the MS 225 and the Unstructured supplementary data service data is setup so that the MS 225 can manage various conditions for the features, see fig. 2, col. 6-34) to the user that allows the user to assign the first indication and the second indication.

Regarding **claim 14**, Reichelt et al discloses a method, comprising the steps of:

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Identifying a calling user (calling party number, see col. 4, line 38, col. 7, lines 47-51) as one of one or more members of a user-defined feature group for a communication feature (calling number from a person A matches a CPN, the call is forwarded to a number, see col. 8, lines 60-67, col. 9, lines 1-3), and performing the communication feature on an incoming call from the calling user (call forwarding, CF, based on a given set of conditions such as the calling party number CPN, see col. 6, lines 25-38, col. 7, lines 30-46, col. 8, line 61).

Regarding **claim 15**, as applied to claim 14, Reichelt et al further discloses wherein the incoming call from the calling user (call from a person A, see col. 8, lines 61-66) comprises an incoming call for a mobile communication device (subscriber B, with an MS 225, see fig. 2, col. 4, line 60), wherein the step of identifying the calling user as one of the one or more members of the user-defined feature group for the communication feature comprises the steps of: receiving the incoming call from the calling user for the mobile communication device (subscriber B receives a call from person A, see col. 4, lines 60-67), making a determination that the calling user is one of the one or more members assigned to the user-defined feature group (the MSC can provide features such as call forwarding, call waiting, call barring, and multi-party calling based on the user specified conditions such as calling party number CPN and password, see col. 4, lines 44-53, col. 7, lines 31-51).

Regarding **claim 16**, as applied to claim 15, Reichelt et al further discloses wherein the step of making the determination that the calling user is one of the one or more members assigned to the user-defined feature group comprises the steps of:

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querying a subscriber database (HLR 250 which includes a subscription information 235, see fig. 2, col. 4, line 57) for the user-defined feature group (preferred callers, see col. 11, line 14), comparing an identifier (calling party numbers CPN, see col. 3, line 65) of the calling user with the identifier listing to determine if the user-defined feature group comprises the identifier (MSC/VLR evaluates a logical expression to determine a conditioned feature is specified by the listing of conditions in the HLR, see col. 6, lines 49-67, col. 7, lines 1-7, lines 38-51, col. 8, lines 60-67, and col. 9, lines 1-3).

Regarding **claim 17**, as applied to claim 15, Reichelt et al further discloses further comprising the steps of: receiving one or more inputs (calling party numbers CPN, see col. 3, line 65) from a user of the mobile communication device to assign the one or more members to the user-defined feature group (a subscriber specifies conditions such as one or more calling party numbers CPNs to features such as supplementary services SSs, see col. 3, lines 54-67, col. 4, lines 1-2, 38-43), storing the user-defined feature group in the subscriber database (the conditions are stored at the HLR 250 which includes a subscription information 235, see fig. 2, col. 4, line 67, col. 5, lines 1-5).

Regarding **claim 18**, as applied to claim 17, Reichelt et al further discloses wherein the communication feature (call waiting, call forwarding, call barring and multi-party calling, see col. 4, lines 44-47) comprises a call waiting feature (the MSC can provide features such as call waiting, based on the user specified conditions such as a password or calling party number, see col. 4, lines 44-53, col. 10, lines 52-67, col. 11, lines 1-13), the method further comprising the steps of: obtaining one or more inputs

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from the user of the mobile communication device to assign one or more call waiting indications to the call waiting feature (the MSC can provide features such as call waiting, based on the user specified conditions such as a password or calling party number, see col. 4, lines 44-53, col. 10, lines 52-67, col. 11, lines 1-13), communicating the one or more call waiting indications based on the determination that the calling user is one of the one or more members assigned to the user-defined feature group (the MSC can provide features such as call waiting, based on the user specified conditions such as a password or calling party number, see col. 4, lines 44-53, col. 10, lines 52-67, col. 11, lines 1-13).

Regarding **claim 19**, Reichelt et al discloses an article (cellular wireless network 200, see fig. 2, col. 4, line 55) comprising: one or more computer-readable signal-bearing media (MSC/VLR 210 connected to HLR 250 which includes a subscription information 235, see fig. 2, col. 4, line 57), and means in the one or more media for identifying a calling user as one of one or more members of a user-defined feature group for a communication feature (the MSC can provide features such as call forwarding, call waiting, call barring, and multi-party calling based on the user specified conditions, see col. 4, lines 44-53, col. 6, lines 56- 63), and means in the one or more media for performing the communication feature on an incoming call from the calling user (the MSC can provide features such as call forwarding, call waiting, call barring, and multi-party calling based on the user specified conditions, see col. 4, lines 44-53).

Regarding **claim 20**, as applied to claim 19, Reichelt et al further discloses wherein the incoming call from the calling user (call from a person A, see col. 8, lines

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61-66) comprises an incoming call for a mobile communication device (subscriber B, with an MS 225, see fig. 2, col. 4, line 60), wherein the means in the one or more media for identifying the calling user as one of the one or more members of the user-defined feature group (preferred callers, see col. 11, line 14) for the communication feature comprises: means (MSC/VLR 210, see fig. 2, col. 4, line 57) in the one or more media for receiving the incoming call from the calling user for the mobile communication device (MS 225, see fig. 2, col. 4, line 60), and means in the one or more media for querying a subscriber database to make a determination that the calling user is one of the one or more members assigned to the user-defined feature group (MSC/VLR evaluates a logical expression to determine a conditioned feature is specified by the listing of conditions in the HLR, see col. 6, lines 49-67, col. 7, lines 1-7).

Regarding **claim 21**, as applied to claim 14, Reichelt et al further discloses wherein the communication feature comprises a call waiting feature (call waiting CW service, see fig. 3, col. 10, line 53), wherein the step of performing the communication feature on the incoming call from the calling user comprises the steps of: receiving an incoming call at a mobile switching center, wherein the call is for mobile communication for a mobile communication device on a pre-existing call (see col. 6, lines 28-37, 56-63), querying the subscriber database for a call waiting feature group (see col. 6, lines 56-63), determining that the calling user is a member of the call waiting feature group (see col. 6, lines 56-63), communicating a preferred call waiting indication to the calling user (see col. 11, lines 14-17), placing the call on hold (inherent, since the call is interrupted by the preferred using, and it is well known that during call waiting, the call with lower

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priority is put on hold, see col. 11, line 14-17), connecting the incoming call with the mobile communication device (see col. 11, lines 14-17), and disconnecting the incoming call and reconnecting the pre-existing call to the mobile communication device (inherent, since it is well known to reconnect a call on hold after the preferred call with the communication device is disconnected, see fig. 3, col. 11, lines 6-27).

Regarding **claim 22**, as applied to claim 21, Reichelt et al further discloses the steps of determining that the calling user is not a member of the call waiting feature group; and communicating a default call waiting indication to the calling user (inherent, since it is well known that a call waiting indication sent to the calling user if it is not a preferred caller, or it doesn't have the correct password, or called party number, see col. 10, lines 51-67, col. 11, lines 6-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Reichelt et al (6, 295, 447)** in view of **Valentine et al (6, 487, 209)**.

Regarding **claim 9**, as applied to claim 7, Reichelt et al further discloses the claimed invention.

Reichelt et al further discloses wherein the mobile switching center employs the a number (calling party numbers CPN, see col. 3, line 65) from the calling

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user to make the determination that the calling user is one of the one or more members assigned to the feature group for the call waiting feature (preferred callers, see col. 11, line 14) for the call waiting feature (the MSC can provide features such as call waiting, based on the user specified conditions such as a password or calling party number, see col. 4, lines 44-53, col. 10, lines 52-67, col. 11, lines 1-13).

Reichelt et al, however, does not expressly disclose wherein the mobile switching center receives a DTMF digit pattern from the calling user.

In the same field of endeavor, Valentine et al teaches wherein the mobile switching center (MSC 230, see fig. 2, col. 3, line 52) receives a DTMF digit pattern (DTMF message, see col. 4, line 12) from the calling user (MS 220 sends a DTMF message to MSC 230, see col. 3, lines 7-13).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Valentine et al into the system of Reichelt et al for the purpose of transferring DTMF tones through an IP based GSM network.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reichelt et al (6, 295, 447)** in view of **Ahlberg et al (5, 657,372)**.

Regarding **claim 12**, as applied to claim 10, Reichelt et al discloses the claimed invention except wherein the mobile switching center increases a duration of the second indication based on the determination that the calling user is one of the one or more members assigned to the feature group for the call waiting feature.

In the same field of endeavor, Ahlberg et al teaches wherein the mobile switching center (MSC, see col. 2, line 8) increases a duration of the second indication

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based on the determination that the calling user is one of the one or more members assigned to the feature group for the call waiting feature (a first timer means 58 is set by cellular telephone 21 upon receipt of a telephone call to a predetermined period within which the user of the cellular phone 21 must respond to the alert, and these feature is implemented in the MSC 25, see fig. 2, col. 2, lines 12-21, col. 8, lines 21-42).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Ahlberg into the system of Reichelt et al for the purpose of allowing a user to delay voice communications between a cellular telephone and a source telephone.

Regarding **claim 13**, as applied to claim 12 the combination of Reichelt et al and Ahlberg disclose the claimed invention.

Reichelt et al does not disclose wherein the mobile switching center cooperates with the mobile communication device to provide an interface to the user that allows the user to input a selected duration, wherein the mobile switching center increases the duration of the indication by the selected duration.

Ahlberg et al, however teaches wherein the mobile switching center (MSC, see col. 2, line 8) cooperates with the mobile communication device to provide an interface (first timer means 58, which is consists of an answering delaying means 54, see col. 8, lines 21-29) to the user that allows the user to input a selected duration, wherein the mobile switching center increases the duration of the indication by the selected duration (a first timer means 58 is set by cellular telephone 21 upon receipt of a telephone call to a predetermined period within which the user of the cellular phone 21

must respond to the alert, and these feature is implemented in the MSC 25, see fig. 2, col. 2, lines 12-21, col. 8, lines 21-42).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Ahlberg into the system of Reichelt et al for the benefit of delaying voice communication until the user has completed an already established telephone call.

Response to Arguments

6. Applicant's arguments filed 01/09/2006 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with the applicant's arguments as the applied references provide more than adequate support.

Regarding **claim 1**, Applicant asserts that Reichelt et al does not teach or suggest the mobile switching center that allows the user of the mobile communication device to assign one or more members to the feature group that is employable by the mobile switching center to provide the communication feature to the user. Examiner respectfully disagrees and maintains that Reichelt's teaching of the MSC providing features such as call waiting, call forwarding, multi-party calling and call barring based on a called party number CPN condition meets the "mobile switching center allowing the user of the mobile communication device to assign one or more members to the feature group that is employable by the mobile switching center to provide the communication feature to the user" limitation. The subscription information in the HLR contains information related to supplementary services such as call waiting, call forwarding,

multi-party calling and call barring and multiple conditions such as location, CPN, time password and usage, or other additional specified conditions that can be used to determine if the call waiting, call forwarding, multi-party calling or call barring feature should be executed with respect to an incoming call (see fig. 3, col. 5, lines 55-67, col. 6, lines 1-37). These conditioned feature and the subscription information are passed to the MSC/VLR for evaluation to determine which supplementary service feature is established for the condition of the incoming call (see fig. 3, col. 6, lines –67).

Therefore, the examiner maintains that the prior art does indeed disclose the claimed limitations with respect to claims 1, 14 and 19.

Claims 1-22 stand rejected.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al (6, 389, 287) discloses a method for prioritizing a communication in a wireless communication system.

Gurgun (20020141559) discloses a method, apparatus, and system for selective call waiting.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA


CHARLES APPIAH
PRIMARY EXAMINER